

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

This matter is before the court on filing no. 11, the Motion to Dismiss or in the Alternative for More Definite Statement, filed by defendants-the Patient Selection Committee of the Nebraska Medical Center ("Nebraska Medical Center"), Holly Shoemaker and Sue Miller; and filing no. 16, the Motion to Deny Defendant Sorrell's Motion to Enlarge Time, filed by the plaintiff, Arthur McElroy. Both motions are denied.

The plaintiff brings this action to recover injunctive relief for violations of Title III of the Americans with Disabilities Act ("ADA") from the defendants who, according to the complaint, have unlawfully excluded the plaintiff from eligibility for a kidney transplant at the Nebraska Medical Center. The Nebraska Medical Center raises issues in its motion which are more properly asserted in a motion for summary judgment on a factually developed record. The plaintiff objects to a motion for extension of time (filing no. 13) which the court has already granted (filing no. 14).

Filing nos. 11 and 16 are denied. The defendants shall answer the complaint within the time specified in Fed. R. Civ. P. 12(a)(4)(A).

SO ORDERED.

January 30, 2007.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge